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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

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|------------------------------|-------|------------------------------------|
| 16 UNITED STATES OF AMERICA, |) | No. CR 08-00040 JF |
| 17 Plaintiff |) | STATEMENT OF NON-OPPOSITION |
| 18 v. |) | TO DEFENDANT'S MOTION TO |
| 19 DONALD RAY WILLIAMS, |) | DETERMINE MENTAL |
| 20 Defendant |) | COMPETENCY; RESERVATION OF |
| | <hr/> | RIGHTS AS TO OTHER ISSUES |
| | | Date: Wednesday, August 13, 2008 |
| | | Time: 9:00 a.m. |
| | | Court: Honorable Jeremy Fogel |

21 COMES NOW THE UNITED STATES OF AMERICA, and files its response to the
22 defendant's motion filed July 25, 2008, and captioned "Notice of Motion and Motion to
23 Determine Mental Competency."

24 The United States does not oppose the basic essence of defendant's motion, *i.e.*, we do not
25 object to this court ordering the defendant to be examined under 18 U.S.C. 4241. Neither do we
26 object to such an exam being performed locally rather than in a BOP facility. We reserve the right
27 to object to a particular psychiatrist or psychologist performing the examination. We offer to work
28 to with defense counsel to come up with an expert agreeable to both sides, but we may not be able
to do so by August 13, 2008, the date currently set for the hearing.

1 Finally, as to payment for the examination, the undersigned has asked budgetary people in
2 the United States Attorney's Office whether this is something they think we have authority to pay
3 for, I am awaiting their response. Accordingly, for the time being, we must reserve our right to
4 oppose being ordered to pay for the examination.

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6 Date: August 12, 2008

Respectfully submitted,

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JOSEPH P. RUSSONIELLO
United States Attorney

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/s/
GARY G. FRY
Assistant United States Attorney

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